



# CITY OF HOUSTON

**Sylvester Turner**

Mayor

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June 27, 2022

Robert Romig  
Senior Policy Analyst  
Texas Sunset Advisory Commission  
PO Box 13066  
Austin, Texas 78711

RE: City of Houston Recommendations for the Texas Commission on Environmental  
Quality Sunset Review

Dear Mr. Romig:

The Texas Commission on Environmental Quality (TCEQ) is charged with protecting public health and natural resources that are consistent with sustainable economic development. However, the City of Houston and many of its low-income communities of color have been harmed and neglected by the agency's regulations, or lack thereof.

For decades, community leaders and environmental advocates have raised concerns regarding the increased health impacts as the result of the agency approving permits for the placement of industrial and hazardous facilities in low-income communities of color throughout the City of Houston. In addition to heightened health risks, the chemicals and pollutants negatively affect air quality. The beforementioned does not even address the contaminated rail yards located in the historic Kashmere Gardens that continue to degrade the quality of life for residents in that community.

Houstonians have experienced particularly significant failure of the TCEQ to protect human health; however, our residents take seriously their engagement with government agencies. As noted in the Sunset Advisory Commission's 101-page report, there were several reforms put forth by Texans, particularly Houstonians, that display their frustrations and distrust of the TCEQ due to its lack of public engagement and transparency as well as reluctance to protect lower-income communities of color—who disproportionately face disparities compared to others—from industry players.

The City of Houston calls for specific changes in the areas of communication, permit transparency, public input, standing, enforcement, monitoring, toxicity evaluation and emission events.

Last month we opposed the permit expansion of the Texas Petrochemical (TPC) Plant in Houston that will increase emissions of 1,3 butadiene, NOx and fine particulate matter. The plant is the largest emission source of 1,3 butadiene in Houston. 1,3 butadiene has been a high priority issue for both the community and the Houston Health Department for over a decade when TPC installed fence line monitoring between TPC and Goodyear to identify emission events quickly as part of an agreed order.

Tragically, during 2021 average 1,3- butadiene concentrations increased (**922%**) at the nearby TCEQ Milby monitor when the wind was blowing from the TPC area to the monitor. In 2021 alone, the Houston Health Department received over 40 air pollution complaints in the area ZIP codes. As of 2014, EPA's National Air Toxics Assessment indicated the cancer risk in this area was elevated at 57 cancer cases in a million people and using 2021 1,3-butadiene Milby Park fixed site monitor data, this **risk increases by 218% to an unacceptable 125 cases in a million people**. What is also worrisome is that these increases in concentrations were not reflected in the STEERS reports for the area, indicating industry either failed to report events or do not know it is happening. These emissions are expected to increase even further with the expanded operations at TPC. The City opposed this permit until the source of the increase was found so that it does not continue, yet the permit was granted.

In addition, this example can also be used to demonstrate the unnecessary confusion introduced by TCEQ's calculation of their own toxicity values. The EPA already provides toxicity values and uses these values to assess health risks across the United States and within Texas. The risks that EPA calculates are used to identify nationally and locally which areas are of most concern to focus activities on to understand and lower the source of the risk. The TCEQ has developed their own toxicity value for 1,3 butadiene which conflicts with EPA's, confusing all but experts on what risks are and making comparisons between EPA and TCEQ and between Texas and other states unnecessarily complicated. For example, according to EPA's AirToxScreen National Cancer Risk, Houston-Harris County's cancer risk is in the top 4% of Texas and the top 5% in the United States. These statistics are calculated using EPA's toxicity values, not TCEQs, thus not comparable.

We believe the assessment of a toxicity of a chemical should be left to the EPA who does this work already. Moreover, this will permit the TCEQ to focus and fund other tasks that are under resourced, while improving communication with the public.

In the interim, with traditional outreach and protections failing by the TCEQ, the City of Houston pivoted to alternative art projects to increase advocacy on environmental issues. *Houston Inspira* is a public health campaign aimed at engaging environmental organizations, artists, and storytellers to inspire awareness and action to improve health and safety outcomes. The City of Houston was awarded a \$200,000 grant by the Environmental Protection Agency in October 2021 to facilitate this work over a 2-year period.

In addition to the City of Houston's efforts, I strongly support your view that local governments can more efficiently identify and enforce regulations. To that end, I believe the TCEQ should enhance local authority by authorizing cities that have the resources to



take on these tasks. This would free up the TCEQ staff for other work as well as improve interagency cooperation and communication.

In conclusion, I respectfully request that you consider the lived experiences of our residents. This sunset review period can be transformational for many impacted Houstonians who continue to advocate for fair and equitable environmental protections and public health. It is only by working together that we can build a more resilient and environmentally friendly state where both industry and residents can work together as friends and Texans.

Sincerely,

A handwritten signature in blue ink, appearing to read "Sylvester Turner", is written over the printed name.

Sylvester Turner  
Mayor